



## *City of El Paso – City Plan Commission Staff Report*

**Case No:** SUSU11-00084 Heritage Farms Replat A  
**Application Type:** Extension Request to Complete Subdivision Improvements  
**CPC Hearing Date:** May 17, 2012

**Staff Planner:** Raul Garcia, (915)541-4935, garciar1@elpasotexas.gov  
**Location:** East of Upper Valley Road and South of Gomez Road  
**Acreage:** 31.77 acres  
**Rep District:** 1  
**Existing Use:** Residential Single-Family  
**Existing Zoning:** PR-I/c (Planned Residential/condition)  
**Proposed Zoning:** PR-I/c (Planned Residential/condition)

**Nearest Park:** Valley Creek Park (0.63 mile)  
**Nearest School:** Lincoln Middle School School (0.63 mile)  
**Park Fees Required:** \$86,310  
**Impact Fee Area:** This property is not in an impact fee area and is not subject to impact fees.

**Property Owner:** Societa Intelligente L.P.  
**Applicant:** Sitework Engineering LLC  
**Representative:** Sitework Engineering LLC

### **SURROUNDING ZONING AND LAND USE**

**North:** R-3A (Residential)/ Vacant  
**South:** R-2/spc (Residential/special permit/contract)/ Single-family development  
**East:** R-3A (Residential)/ Single-family development  
**West:** R-1 (Residential)/ Single-family development

### **THE PLAN FOR EL PASO DESIGNATION: G4**

#### **APPLICATION DESCRIPTION**

The applicant is requesting a one year extension to complete subdivision improvements for Heritage Farms Replat A. The applicant's reason for the extension is financial reasons and the current economic situation. This subdivision is vested under the subdivision ordinance in effect prior to June 1, 2008.

Under Section 19.28.020.C(2) of the former code, the City Plan Commission may waive the requirement for security if the delay is caused by a governmental entity, utility, or when the commission finds that economic hardship would result and that there is a public purpose for not

requiring security. In this case the reason for the extension does not meet any of the stipulations listed under 19.28.020.C(2) and therefore security is required.

The applicant has provided an irrevocable letter of credit guaranteeing 125% of the cost of constructing the remaining subdivision improvements, in accordance with Section 19.28.020 *Guarantees* of the former code.

### **CASE HISTORY**

On May 21, 2009, the City Plan Commission approved Heritage Farms Replat A on a Resubdivision Combination basis.

Heritage Farms Replat A was recorded on October 7, 2009 and the time to complete subdivision improvements expired on October 7, 2011.

The request for extension was submitted on August 25, 2011.

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of the one-year extension request subject to the following conditions and requirements:

**If approved, the extension will expire on October 7, 2012.**

### **Planning Division Recommendation:**

Approval.

### **Engineering and Construction Management:**

Subject subdivision plat was recorded on October 7, 2009, and the two year time frame to complete the improvements expired on October 7, 2011.

Since the applicant submitted an extension request prior to the expiration of the two year time frame to complete the improvements, Engineering and Construction Management has reviewed subject request and does not object to the one year extension.

If approved, the extension request to complete the subdivision improvements will be valid through October 7, 2012.

### **Attachments**

1. Location map
2. Aerial map
3. Final plat
4. Extension Request Letter
5. Irrevocable Letter of Credit
6. Costs of remaining improvements and timeline
7. Application

## ATTACHMENT 1



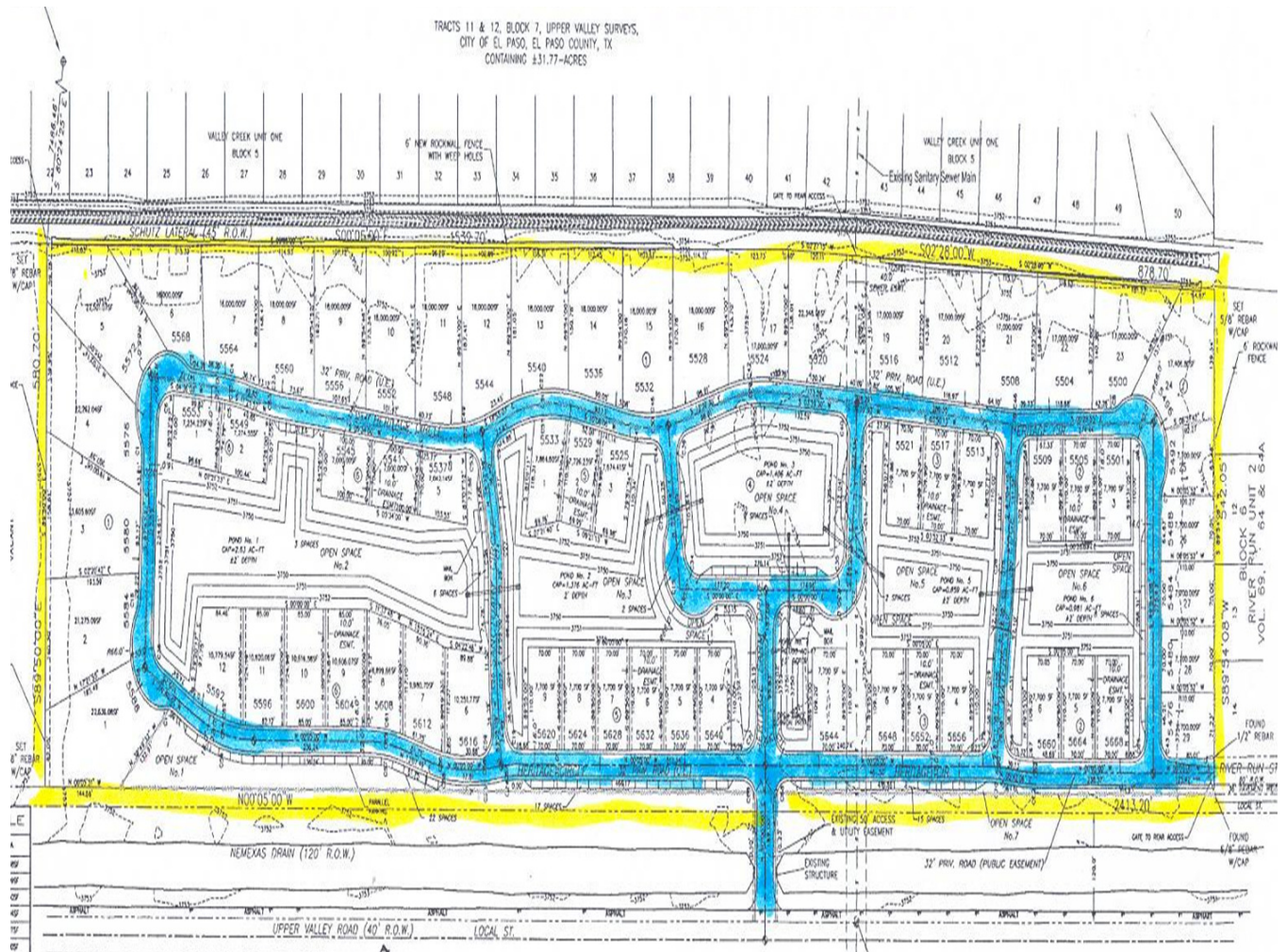


ATTACHMENT 2





## ATTACHMENT 3



## ATTACHMENT 4



August 25, 2011

SENT VIA EMAIL

Mr. Eddie Garcia  
City of El Paso  
2 Civil Center Plaza  
El Paso, TX 79901

RE: REQUEST FOR EXTENSION  
SUBJECT: HERITAGE FARMS SUBDIVISION

Dear Eddie Garcia:

On behalf of the Owner, please accept this letter as a request to extend the period for the completion of subdivision improvements for the above-mentioned subdivision. We will like to request a 2-year extension until 10/07/2013 in accordance to the City Code Subdivision Improvement Ordinance.

For your information, the developer has not been able to complete the subdivision improvements because of financial reasons and the current economical situation.

The Subdivision improvements have been completed on the south portion of the project. Specifically those improvements located south of the existing EPWU easement line.

If you have any questions or comments, please do not hesitate to contact me at (915) 351-8033.

Sincerely,  
*SiteWork Engineering, LLC*

A handwritten signature in black ink, appearing to read "Jorge A. Garcia", written over a horizontal line.

Jorge A. Garcia, PE  
Project Engineer

cc: Mr. Kristi Eddings / Heritage Farms  
Mr. David Bogus / EPT Communities  
File 08124

444 EXECUTIVE CENTER, SUITE 134 • EL PASO, TX • 79902  
PHONE: (915) 351-8033 • FAX: (915) 351-8055

## ATTACHMENT 5



*City Bank*  
TEXAS

EL PASO OFFICE  
7901 North Mesa  
El Paso, Texas 79932  
P.O. Box 211650  
El Paso, Texas 79913-1650  
915-833-0000 main  
915-833-0071 fax

### Irrevocable Letter of Credit

Letter of Credit Number 762  
Issue Date 10/21/2011

Beneficiary:  
City of El Paso  
2 Civic Center Plaza  
El Paso, TX 79901

Applicant:  
Societa Intelligente, LP  
8201 Lockheed, Suite 100  
El Paso, TX 79925

At the request and for the account of Societa Intelligente, LP (the "Account Party") we, City Bank Texas, 7901 N Mesa, El Paso, TX 79932 ("Bank") hereby establish our Irrevocable Letter of Credit in favor of the City of El Paso (the "City") in the amount of \$353,799.00. Available with us at our above office by payment of draft(s) drawn on us and accompanied by a signed and dated statement worded as follows:

"The undersigned, Designee of the City Manager of the City of El Paso, hereby certifies that the Account Party is in default and the amount drawn under the Bank Letter of Credit number 762 represents the amount due to the City of El Paso as a result of such default."

This Letter of Credit is given for the benefit of the City of El Paso as security for the completion of subdivision improvements required under the City of El Paso Subdivision Code and expires on October 21, 2013 or until the Account Party has completed such subdivision improvements and is released or discharged by the City of El Paso.

We hereby agree that each draft drawn and presented to us in compliance with the terms and provisions of this Letter of Credit will be duly honored by payment to you within one business day of receipt if presented to the above bank on or before the day the Letter of Credit expires.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600.

City Bank Texas  
7901 N Mesa  
El Paso, TX 79932

By

Ann L. Herkenhoff, Executive Vice President

Date 10/21/2011

citybankonline.com

## ATTACHMENT 6

<u>COST TO COMPLETE HERITAGE FARMS</u>		<u>Estimated Completion Timeline</u>	
CONSTRUCTION		June-July 2012	
WATER & SEWER (RETAINAGE)	\$ 4,915	Aug-12	
WALLS - (EPWU EASEMENTS)	\$ 6,700	March-April 2012	
PAVING (NORTH PORTION)	\$ 203,425	April-May 2012	
MONUMENTS	\$ 3,000	Sept - Oct 2012	
CULVERT (EPWUD)	\$ 65,000		
	<u>\$ 283,040</u>		
TOTAL	\$ 283,040		
Security Requirement	<u>\$ 353,799</u>		



## ATTACHMENT 7



### CITY PLAN COMMISSION APPLICATION FOR EXTENSION TO COMPLETE SUBDIVISION IMPROVEMENTS

DATE: 9/08/11 FILE NO. SUSU11-00084

1. SUBDIVISION NAME: HERITAGE FARMS

2. DATE REQUESTED: 9/08/11

3. DEVELOPER'S NAME: SOCIETA INTELIGENTE L.P.  
ADDRESS: 8201 LOCKHEED DR. SUITE 235  
PHONE: 449-8570

4. ENGINEER'S NAME: STE WORE ENGINEERING LLC  
ADDRESS: 444 EXECUTIVE CENTER, STE 134, EUP TX 79902  
PHONE: 915-551-8033

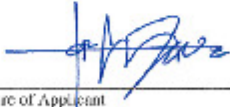
5. SUBDIVISION FILING DATE: 10/07/2009

6. REASON FOR REQUEST: FINANCIAL REASONS

7. PROPOSED COMPLETION SCHEDULE: \_\_\_\_\_  
(Attach Documents)

I certify that the statements made in this application for Time Extension to Complete Subdivision Improvements are true and correct, and I agree to be bound by the Completion Schedule finally adopted and approved by the City Plan Commission.

CASHIER'S VALIDATION  
FEE: \$150.00

  
Signature of Applicant

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

AT THE DISCRETION OF THE DEPUTY DIRECTOR OF PLANNING AN APPLICATION FOR EXTENSION TO COMPLETE SUBDIVISION IMPROVEMENTS MAY BE SUBMITTED NO MORE THAN SIXTY (60) DAYS PAST THE REQUIRED COMPLETION DATE PROVIDED THAT A PENALTY FEE OF \$1,000.00 DOLLARS BE PAID IN ADDITION TO ALL OTHER FEES THAT WOULD OTHERWISE BE CHARGED FOR A PROPERLY SUBMITTED REQUEST FOR EXTENSION APPLICATION.